

In the Claims

1-8 (canceled).

9. (new) A fastener assembly for use with footwear of the type having opposing circular eyelets, comprising:

a series of fastener elements, each fastener element comprising

a first mating member comprising two curved stop ends, each of the curved stop ends having a distal end and a proximal end, and also comprising one elastomeric member having two ends, the elastomeric member positioned between the proximal ends of the two curved stop ends,

two second mating members comprising a vertical post having a flange located at a bottom portion of the vertical post, a first area of enlarged diameter located at a top of the vertical post and a second area of enlarged diameter located at an intermediate position of the vertical post,

each curved stop end also having

a curved top surface resembling a top surface of an upside down spoon, each curved stop end also containing at its distal end a vertical cavity for receipt of the vertical post, said vertical cavity having annexed thereto spaces for receipt of the first and second areas of enlarged diameter of the vertical post, each curved stop end also having at its proximal end a hollow lateral cavity to receive in a lockable condition one end of the elastomeric member,

the first and second areas of enlarged diameter shaped so as to make it easy to

insert the vertical post into the vertical cavity of the first mating member and difficult to remove said vertical post from the vertical cavity of said first mating member without direct vertical and lateral tugging by a wearer.

10. (new) The fastener assembly of claim 9, wherein the vertical post is substantially cylindrical.

11. (new) The fastener assembly of claim 9, wherein the lateral cavity is annular.

12. (new) The fastener assembly of claim 9, wherein the first area of enlarged diameter of the vertical post has a top surface that is decorated with a unique color and/or design.

13. (new) The fastener assembly of claim 9, wherein the elastomeric member is decorated with a unique color and/or design.

14. (new) The fastener assembly of claim 9, wherein the top surface of the curved stop end of the first mating member is decorated with a unique color and/or design.

15. (new) A fastener assembly for use with running shoes of the type having pairs of opposing fabric loops on each side of the running shoe, comprising:  
a series of fastener elements, each fastener element comprising  
a first hook having a free curved distal end for insertion into a first fabric loop of

two opposing fabric loops and having a hollow cavity at a proximal end,  
a second hook having a free curved distal end for insertion into a second fabric loop of the two opposing fabric loops and having a hollow cavity at a proximal end,  
an elongated elastomeric member having a first end detachably connected into the hollow cavity of the first hook and having a second end detachably connected into the hollow cavity of the second hook.

16. (new) The fastener assembly of claim 15, wherein the elastomeric member is decorated with a unique color and/or design.

### In the Description

Please insert the following paragraphs after the heading “Summary of the Invention” and just prior to section [0007]:

The present invention includes a method and apparatus for securing a shoe or sneaker or boot onto a foot of a wearer using a series of fastener elements that replace the shoelaces commonly used by wearers of footwear. The apparatus of the present invention is for use with shoes/sneaker or boots that have an upper part with pairs of opposing circular eyelets that need to be held together in order to keep the shoe on the wearer's foot. In using the apparatus of the present invention, a two step process is employed. First, with respect to each eyelet, one puts the bottom half of a vertical mounting post through the eyelet. The vertical mounting post 40 is maintained in that position securely by virtue of the fact that it has diameters is large enough so that it does not allow for easy insertion into the eyelet. One then snaps the curved stop ends of the first mating member onto the portion of vertical mounting post 40 protruding from on top of the eyelet. The surface areas of the vertical mounting post, curved stop ends and elastic member can all be used for decorative ornamentation, style and color.

In an alternative embodiment, which will be termed the “first” or “hook” embodiment, the fastener members have hooks made of plastic or metal that can be employed for footwear that does not have eyelets for laces but rather has loops, such as the tabs on running shoes or the c-shaped clips on some boots. The hook sections of this embodiment hook through the material tabs on the running shoes or hook around the c-shaped clips on the boots.

### “Objects and Advantages”

The following important objects and advantages of the present invention are:

- (i) to provide a fastening device that avoids the need for laces in footwear;
- (ii) to provide a fastening device that includes an elastic member between the ends of the fastener device, which serves to keep the shoe, sneaker or boot securely on the wearer's foot.
- (iii) To provide a fastening device for footwear that, through use of the elastic, can expand and thus allow the wearer to slip the shoe, sneaker or boot on and off without having to tie laces, which is difficult for overweight individuals, the elderly and children;
- (iv) To provide a fastening device for footwear that eliminates the problem of laces becoming untied throughout the day;
- (v) To provide a fastening device for footwear that eliminates tripping hazards from the uses of laces;
- (vi) To provide a fastening device whose fastener elements include an elastic member that can come in a variety of colors and shapes to be attractive for the varying needs of footwear customers;
- (vii) To provide a fastening device for footwear that provides attractive styles for youth;
- (viii) To provide a fastening device that will function effectively during sports activities;
- (ix) To provide a fastening device that make everyday walking better than that provided by the prior art;
- (x) To provide a fastening device that exploits the elastic member thereof

to achieve a secure locking and holding power to keep the footwear on the foot and to keep the fastener elements from coming off;

- (xi) To provide a fastening device that are easier to grasp and easier to disconnect compared to the prior art;
- (xii) To provide a fastening device that has large enough visible surface areas available to accommodate the use of decorations, colors and interesting designs;
- (xiii) To provide a fastener device that is significant improvement over the prior art including that by inventor Fortune;
- (xiv) To provide a fastening device that achieves superior locking power over the prior art;
- (xv) To provide a fastening device that has improved durability;
- (xvi) To provide a fastening device that includes a first mating member whose curved stop ends have on their top surface an inverted spoon design that makes unlocking the fastening device easier;
- (xvii) To provide a fastening device wherein the curved stop ends allow for substantial room in which to hold the elastic member that connect between the two curved stop ends;
- (xviii) To provide a fastening device that addresses the issues of locking/durability and style, unlike the prior art;
- (xix) To provide a fastening device whose surface areas increases the strength of the device;
- (xx) To provide a fastening device whose visible surface area

accommodates style considerations and variety;

- (xxi) To provide a fastening device that is secured with the assistance of a flange and two areas of increased diameter;
- (xxii) To provide a fastening device that will hold even when lateral and/or vertical pressures are exerted against due to the wearer walking, running and/or playing;
- (xxiii) To provide a fastening device wherein the strength and elasticity of the elastic member used therein is substantial enough to be superior to the prior art in terms of durability;
- (xxiv) To provide a fastening device that allows the wearer to select a color that they think is stylish;
- (xxv) To provide a fastening device that delivers properly apportioned fastening tension;
- (xxvi) To provide a device that is simple for the user to install and use; and
- (xxvii) To provide a fastening device that includes a vertical mounting post that can be exchanged for another vertical mounting post so that a variety of colors and/or designs can be employed.

Please insert the following paragraph at the end of the Description:

--The terms "distal end" and "proximal end" are used relative to the middle of the top area of the shoe, that is, the approximate midpoint between each eyelet 15 in the pairs of opposing eyelets 15. This is where the elastomeric member of the first mating member of the apparatus of the present invention is located.--

Please insert the following series of paragraph prior to the section labeled [0013]:

### **BRIEF DESCRIPTION OF THE DRAWINGS**

FIG. 1 is a side view of the “hook” embodiment of the present invention;

FIG. 1a is a top view of the “hook” embodiment of the present invention in place in the loop fasteners of a running shoe;

FIG. 2 is a top view of the either embodiment of the present invention in place in the eyelets of a shoe;

FIG. 3 is a top view of “vertical post” embodiment of the present invention;

FIG. 4 is a side view of a decorated version of the first mating member of the “vertical post” embodiment;

FIG. 5 is a longitudinal sectional view of the internal portion of the curved stop end of the first mating member showing its lateral and vertical cavities and its retainer walls;

FIG. 6 is a front view of a vertical post used in the vertical post embodiment of the present invention;

FIG. 7 is a side view of a shoe in which three vertical posts have been inserted into the circular eyelets on one side of the shoe; and

FIG. 8 is a sectional view as in FIG. 5 but with the vertical post and a portion of the elatomeric member inserted into the curved stop end.

### **Detailed Description of the Preferred Embodiment ~~Description of the Invention~~**

As seen from FIGS. 1-1A, the first or “hook” embodiment of the present invention discloses a fastener assembly for use with running shoes of the type having

pairs of opposing fabric loops 5 on each side of the running shoe. The fastener assembly comprises a series of fastener elements, each fastener element 10a itself comprising a first hook 18a having a free curved distal end 18b for insertion into a first fabric loop of two opposing fabric loops 5. Each hook 19a has a hollow cavity at a proximal end 18c. Accordingly, the second hook 18a also has a free curved distal end 18b for insertion into a second fabric loop 5 of the two opposing fabric loops and has a hollow cavity at its proximal end 18c. The fastener element 10a also includes an elongated elastomeric member 20a having a first end 21a detachably connected into the hollow cavity of the first hook and having a second end 23a detachably connected into the hollow cavity of the second hook 18a. The elastomeric member 20a, in a preferred embodiment, is decorated with a unique color and/or design.

As seen from FIGS. 2-8, the present invention also includes a “vertical post” embodiment and this will now be described in detail. There is presented a fastener assembly for use with footwear of the type having opposed circular eyelets 15, comprising a series of fastener elements 10, each fastener element comprising an elastomeric member 20 and a first mating member 39. The first mating member 39 includes two curved stop ends 30, each of the curved stop ends 30 having a distal end 36 and a proximal end 35. The elastomeric member 20 has two ends 21, 23 and is positioned between the proximal ends 35 of the two curved stop ends 30.

Each fastener element 10 also comprises two second mating members 40 comprising a vertical post 40 having a flange 42 located at a bottom portion 41 of the vertical post 40, a first area 46 of enlarged diameter located at a top of the vertical post and a second area 44 of enlarged diameter located at an intermediate position of the

vertical post.

Each curved stop end 30 also has a curved top surface 33 resembling a top surface of an upside down spoon, each curved stop end also containing at its distal end 36 a vertical cavity 36a for receipt of the vertical post 40. The vertical cavity 36a has annexed thereto spaces for receipt of the first area 46 and second area 44 of enlarged diameter of the vertical post 40. Thus the lower portions of first area 46 and second area 44 rest securely on retainer walls 31 inside curved stop ends 30. Each curved stop end 30 also has at its proximal end 35 a hollow lateral cavity 38 to receive in a lockable condition one end 21 (or the other end 23 depending on which curved stop end 30 is being spoken of) of the elastomeric member 20.

The first area 46 and second area 44 of enlarged diameter are shaped so as to make it easy to insert the vertical post 40 into the vertical cavity 36a of the first mating member and difficult to remove said vertical post 40 from the vertical cavity 36a of said first mating member without direct vertical and lateral tugging by a wearer/user.

In a preferred version of the “vertical post” embodiment the lateral cavity 38 is annular. In a further preferred version of the “vertical post” embodiment, the vertical post 40 is substantially cylindrical.

In further preferred version of the vertical post embodiment, the first area 46 of enlarged diameter of the vertical post 40 has a top surface 46a that is decorated with a unique color and/or design. The elastomeric member 20 is also decorated with a unique color and/or design.--

Please amend section [0013] as follows:

--With reference to the ~~perspective~~ view of FIG. 2 there is shown a shoe with

successive opposing cylindrical lace holders. Shown in position on such lace holders is the subject matter of the second embodiment of the present invention ~~of the first embodiment~~.--

Please amend section [0014] as follows:

--With reference to the ~~perspective~~ view of FIG. 7 there is shown a shoe having successive horizontal eyelets. Shown in position on such eyelets is the subject matter of the second embodiment of the present invention ~~of the second embodiment~~.--

Please amend section [0016] as follows:

~~With reference to Figure 4a~~ In certain preferred embodiments, first mating member 39 ~~is illustrated which~~ comprises an elongated curved segment having a covered longitudinal aperture ~~sown as segment 5~~ extending partially through. An elastomeric shaft (~~segment 6~~) extends radially outwardly from the opposite end of the first mating member.--

Please amend section [0019] as follows:

--A second mating member (Figure 7) consists of a vertical mounting post 40 which extends from a cylindrical shaped flange 42. The vertical post will be of such diameter that it will fit securely through the eyelets in the shoe. The mounting post, in a preferred embodiment, has a uniform diameter throughout its length except for the two increased diameter segments, 44, 46 (~~Segment 10 and 11~~) along its length. The purpose of such increased diameter segments is to secure the curved stop ends 30 of the first mating member 39 and the second mating member 40 by the user pushing vertically on the top ~~of~~ the curved stop end 30 of the first mating member 39. Once the cylindrical vertical cavity aperture of the first mating member is installed on the mounting post 40

of the second mating member 40, the first mating member will stay securely in place. However, by the exertion of vertical and lateral force, the two members, 39, 40 may be separated without damage.—

Please delete the six paragraphs that appear after the “Abstract” under the heading “Claim” and the one paragraph on the following page under the heading “Cross Reference”